

REMARKS

Claims 1-21 are pending. No new amendments have been made by way of the present submission, thus, no new matter has been added.

In the outstanding communication the Examiner has required Applicants to elect one of the following 11 groups:

- I. **Group I:** Claims 1-19 drawn to products of the formula 1 wherein B is phenyl.
- II. **Group II:** Claims 1-19 drawn to products of the formula 1 wherein B is isoquinolinyl.
- III. **Group III:** Claims 1-19 drawn to products of the formula 1 wherein B is quinolinyl.
- IV. **Group IV:** Claims 1-19 drawn to products of the formula 1 wherein B is pyridinyl.
- V. **Group V:** Claims 1-19 drawn to products of the formula 1 wherein B is benzothiophenyl.
- VI. **Group VI:** Claims 1-19 drawn to products of the formula 1 wherein B is naphthyl.
- VII. **Group VII:** Claims 1-19 drawn to products of the formula 1 wherein B is indolyl.
- VIII. **Group VIII:** Claims 1-19 drawn to products of the formula 1 wherein B is naphthyloxy.

IX. **Group IX:** Claims 1-19 drawn to products of the formula 1 wherein B is a moiety other than in groups I-VIII above.

X. **Group X:** Claim 20 drawn to a method of using products of one of Groups (I-VIII).

XI. **Group XI:** Claim 21 drawn to the use of a caspase inhibitor.

Applicants respectfully traverse and submit that the outstanding Unity of Invention Rejection is improper. In particular, the present claims are linked so as to form a single general inventive concept pursuant to PCT Rule 13.1. For instance, from Table 1 of the present specification, it is clear that the compounds of the present invention have caspase inhibitor activity in common. Thus, the claims of the present application i) have the common utility as caspase inhibitor, and ii) share substantial structural features essential to that utility. And, the compounds included within such a group share the same special technical feature.

Thus, the Unity of Invention Rejection is traversed. However, in order to be fully responsive to the outstanding Unity of Invention Rejection, Applicants hereby elect Group II, directed to claims 1-19 wherein in formula I, B is isoquinolinyl.

The Examiner has also required a specific election of species.

Accordingly, as to a particular compound, Applicants hereby elect the following species:

(3S)-5-flouro-3-({[5R]-5-isopropyl-3-(1-isoquinoliny1)-4,5-dihydro-5-isoxazolyl] carbonyl} amino)-4-oxopentanoic acid (Iii-1) : [Compound of claim 10]

As for substituents

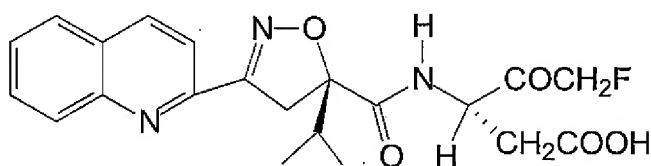
R = H

R₁ = -CH₂COOHR₂ = isopropylA = (CH₂)_n, n = 0

B = isoquinolinyl

X = -COCH₂-W, W = F

The above elected compound has the following structure:



Additionally, this compound corresponds to compound Iii-1 as recited as the last compound in claim 7 and the sole compound in claim 10. Each of claims 1-19 reads upon the elected species.

It is Applicants' understanding that the election of species serves as a starting point for search and examination purposes only. Upon indication of allowable subject matter for the elected species, the Examiner must expand the search to include other non-elected species, with the intent to find any generic claim ultimately allowable.

In view of the above, favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Registration No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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